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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,366	03/30/2006	Frederik Bleker	NL031228	2289

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BRIARCLIFF MANOR, NY 10510

EXAMINER

FEATHERSTONE, MARK D

ART UNIT	PAPER NUMBER
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2423

MAIL DATE	DELIVERY MODE
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05/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,366	Applicant(s) BLEKER ET AL.	
	Examiner MARK D. FEATHERSTONE	Art Unit 2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/19/2009 has been entered.

Response to Amendment

Response to amendment filed 02/29/2009. Claims 1-6 have been amended. Claims 7-15 have been canceled. Claims 1-6 are pending in the application.

Response to Arguments

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski et al, US Patent # 5418782, hereinafter Wasilewski in view of Kishtaka et al, US Patent # 6084643, hereinafter Kishtaka, in further view of Suga, US PG Pub # 20030137603, hereinafter Suga.

With regard to claim 1, Wasilewski discloses:

A system for distributing a signal in a digital network for distribution of transport streams carrying a plurality of services, comprising:

a transmitter configured to generate numbering information pertaining to the plurality of services, and for transmitting the signal (column 2, lines 35-43;

Wasilewski describes generating information about each service, and transmitting to the subscriber location; column 7, lines 1-10; Wasilewski describes the numbering information as part of the information transmitted to the subscriber; the numbering information will be performed by an operator at the transmitting end),

a receiver for receiving the signal, for retrieving the numbering information from the signal, and for numbering services (column 2, lines 43-50; Wasilewski describes a decoder at the subscriber location to receive and extract the information from the signal).

Wasilewski further discloses the use of a network information table that describes which frequency channel carries the service components (column 14, lines 17-46), however Wasilewski fails to specifically disclose that the network information table includes a first descriptor providing information to the receiver

on performing an automatic service update, a linkage descriptor indicating a move of a service to another network, and a second descriptor indicating the numbering information. In an analogous art, Kishtaka discloses that in digital satellite broadcasting, a Network Information Table is transmitted every .1 seconds (column 7, lines 10-13), and that the version number of the NIT will increase each time the content is updated (column 6, lines 56-63; figure 5, “version number”), corresponding to a descriptor providing information to the receiver on performing an automatic service update). Moreover, Kishtaka discloses that the NIT contains a second descriptor indicating the numbering information (column 6, line 64 – column 7, line 4 and fig. 6; the service.sub. id corresponds to the channel number). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Kishtaka to the system of Wasilewski to inform the system of an update to the NIT for appropriate processing.

Wasilewski in view of Kishtaka fails to specifically disclose that the network information table provides an indication of a move of a service to another network. Suga discloses adding a new service option to a user such as a fast-forwardable service (paragraph [0064]; this new service is indicated on the NIT using a descriptor). This new service has “moved” to the network available to the user. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Suga of incorporating an indication of a new service available to the user that has moved to the network

available to the user to the system of Wasilewski in view of Kishtaka. This indication could be included in the network information table as taught by Wasilewski and Kishtaka to give the user an indication of a new desirable service that is available.

With regard to claim 2, Wasilewski further discloses wherein the information table also comprises at least one of the following: service list descriptors and frequency list descriptors (column 14, lines 25-31; the NIT contains a tuning map that indicates which frequency channel carries the eservice components).

With regard to claim 3, Wasilewski further discloses wherein prior to a transmitter reconfiguration involving changes of frequencies allocated to the services, the transport streams include a network information table indicating the new transmitter frequencies to be adopted after the transmitter reconfiguration, wherein the receiver is arranged to store the information about new transmitter frequencies in a memory for user after the new transmitter configurations are initiated (column 14, lines 25-31). Wasilewski discloses that the NIT is periodically transmitted to the user. Inherently, the tuning map for a frequency update must be sent before it is used to send the services in order for the receiver to be able to tune to the proper frequency that is used to broadcast the service).

With regard to claim 4, Kishtaka further discloses wherein the first descriptor indicates if the automatic service update of the receiver can utilize

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information in the service list descriptors (as stated in the claim 1 rejection, Kishtaka discloses if the received NIT is an updated NIT by indicating a new version number (column 6, lines 56-63; figure 5, "version number"; this gives an indication new information contained in the update can be utilized by the receiver in order to update the associated information, such as an updated frequency map).

With regard to claim 5, Wasilewski further discloses wherein the first descriptor indicates if the automatic service update of the receiver can utilize information in the frequency list descriptors (column 12, lines 25-40; the tuning map indicates that the selected service is available on a different frequency, the apparatus will re-tune to the new frequency; therefore, when a new service definition is received periodically, there is an indication that the receiver can utilize a new frequency for the selected service).

Claim 6 is analyzed and rejected with respect to claim 1. As described, Suga discloses an indication in the NIT of a service moving to a new network (paragraph [0064]; this new service is indicated on the NIT using a descriptor).

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK D. FEATHERSTONE whose telephone number is (571)270-3750. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F US Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

E-Signed

/Mark Featherstone/ - Assistant Examiner

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423